

HOUSE BILL 2547
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 13 and Title 66, relative to the filing, registration and recording of documents in the office of the county register.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-22-101, is amended by designating the existing language as subsection (a) and by adding the following as new, appropriately designated subsections:

(b) The execution of an instrument that is acknowledged or proved in accordance with subsection (a) shall be by the maker's original signature.

(c) The county register may refuse to record an instrument that has not been authenticated in accordance with subsections (a) and (b).

(d) This section shall not apply to instruments executed pursuant to the Uniform Commercial Code or any other law that specifically authorizes the use of facsimile signatures or does not require authentication for registration. Additionally, this section shall not apply to certified copies of court documents otherwise eligible for registration in the office of the county register nor shall it apply to certified copies of documents from the office of county register of another county in Tennessee.

SECTION 2. Tennessee Code Annotated, Section 13-3-402(c), is amended by adding the following at the end of the subsection:

A county register may refuse to receive, file or record a plat of a subdivision that does not contain the following: the signature of the owner or owners of the property to be subdivided by the plat, the authentication of such signature in accordance with section 66-22-101, and a reference to the most recent recorded deed or other source of the owner's or owners' equitable interest of record, if any, in the property to be subdivided.

A plat which shows a division of land into two (2) or more parcels but does not have the approval of the planning commission as an approved subdivision shall not be eligible for registration or recording with the county register unless such plat has endorsed upon it a statement by the secretary or other authorized representative of the planning commission that the plat does not contain a subdivision for planning purposes.

SECTION 3. Tennessee Code Annotated, Section 13-4-302(c), is amended by adding the following language at the end of subdivision (1):

A county register may refuse to receive, file or record a plat of a subdivision that does not contain the following: the signature of the owner or owners of the property to be subdivided by the plat, the authentication of such signature in accordance with section 66-22-101, and a reference to the most recent recorded deed or other source of the owner's or owners' equitable interest of record, if any, in the property to be subdivided.

A plat which shows a division of land into two (2) or more parcels but does not have the approval of the planning commission as an approved subdivision shall not be eligible for registration or recording with the county register unless such plat has endorsed upon it a statement by the secretary or other authorized representative of the planning commission that the plat does not contain a subdivision for planning purposes.

SECTION 4. Tennessee Code Annotated, Section 66-24-116, is amended by inserting the word "original" immediately before the words "personal signature" and by deleting the words and punctuation ", or a registered engineer" in subsection (a), and by adding the following as new, appropriately designated subsections:

(d) A county register may refuse to receive, file or record any map, plat or survey that does not contain the following: the signature of the owner or owners of the equitable interests of the property being mapped, platted or surveyed, the authentication of such signature in accordance with § 66-22-101, and a reference to the most recent recorded deed or other source of the owner's or owners' equitable interest of record in such property, if any.

(e) For purposes of filing, registration and recording, a map, plat or survey shall be a one page document and multiple related maps, plats or surveys presented for

registration together shall each contain the signatures and information required by this section on each page.

SECTION 5. Tennessee Code Annotated, Section 66-24-101, is amended by adding the following as a new, appropriately designated subsection:

(c) The county register may refuse to register any writing eligible for registration in accordance with the provisions of this title if this writing is wholly or substantially written in any language other than English unless the person seeking to register the writing attaches an affidavit in which the affiant gives a complete translation of the writing offered for registration into English. The affidavit shall be recorded with the original writing and the original writing and its attached affidavit shall be treated as one instrument for recording purposes.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.